

REMARKS:

The Office action mailed January 9, 2006 has been received and carefully considered. A Request for Continued Examination is being filed herewith. Reconsideration of the application in view of the following is respectfully requested.

Claim 1 stands rejected as being anticipated by Nolan and Zdeblick, et al. Claim 1 has been amended and is urged to distinguish over both Nolan and Zdeblick. In particular, Claim 1 calls for threads which extend outwardly from the body and Nolan fails to show such threads. Since the Nolan device is not screwed in, but rather pushed in and expanded, there is no suggestion to use threads on this device. The Zdeblick device is conical in shape throughout. The Office action indicates that there is a posterior cylindrical section, but there is not such a section at the rear, but rather the drawing has a small region that is less than a thread length that is simply how the drawn thread looks at the rear of the device. While it is not believed that Zdeblick shows a posterior cylindrical section, Claim 1 has been amended to indicate that the cylindrical section extends for at least two thread revolutions. This is believed to clearly distinguish Claim 1 from Zdeblick and the other art of record.

Claim 2 calls for the anterior and posterior threads to have crests that define a cylindrical form. The combination of the funnel shaped body of Claim 1 with the cylindrical form of the

thread crest is not found in any teaching of the prior art.

Claim 9 was also rejected as anticipated by Zdeblick and Nolan and has been amended in a similar fashion to Claim 1 so as to distinguish over these two cited references. This claim is believed to be allowable over all of the prior art of record.

Claim 16 was rejected as anticipated by Nolan and Zdeblick. Claim 16 is urged to be allowable for the same reasons as were discussed for Claim 1. Further, Claim 16 calls for the spacer device to have a rigid body, as is seen in the Fig. 1, which does not expand, as the device in Nolan. Therefore, Claim 16 is believed to distinguish over Nolan for this reason also.

Claim 24 was rejected as anticipated by Shapiro. The Office action indicates that Shapiro has a "funnel-shaped" profile. The dictionary defines funnel as a device having a hollow cone with a cylindrical tube extending from the cone or a device having an outward shape like a funnel. It is clear that the application indicates that a funnel shape is meant to have a conical portion joined to a cylindrical portion. The Shapiro device has a body that is solely cylindrical in shape with threads having crest that have a conical form. The body in Shapiro has no conical portion.


Claim 26 was rejected as anticipated by Nolan and Zdeblick and is urged to distinguish over these references for the same reasons as were discussed for Claim 1.

Claim 27 was rejected as anticipated by Shapiro and has been amended to include a cylindrical shape combined with a conical shape so as to distinguish over Shapiro as was discussed with respect to Claim 24.

Consequently, it is urged that the above discussed claims, as well as the claims that depend from them, including Claims 1 to 29, are allowable over the art of record and notice to this effect is earnestly requested.

The Examiner is invited to contact the undersigned by telephone, if prosecution of this application can be expedited thereby.

Respectfully Submitted,



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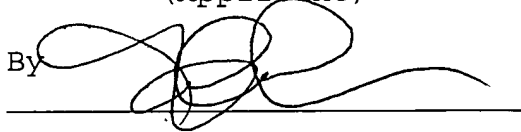
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June 7, 2006.

Roger P. Jackson
(Applicant)

By

A handwritten signature in black ink, appearing to be 'R. Jackson', written over a horizontal line.

June 7, 2006

(Date of Signature)